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OFFICE OF PETITIONS

In re Application of :
Kodama et al. :
Application No. 10/507,350 : DECISION ON
Filed: September 13, 2004 : PETITION
Atty Docket No. 8003-1037 :
:

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181 filed August 9, 2006.

The above-identified application became abandoned for failure to timely pay the issue fee and publication fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed January 30, 2006. No reply having been received, the above-identified application became abandoned on May 1, 2006. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

In response, applicant filed the instant petition, asserting that the Office action was never received.

A review of the application file reveals no irregularities in the mailing of the Office action mailed January 30, 2006. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that

the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petitioner has supported his claim of non-receipt with such evidence.

In view thereof, the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2877 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for mailing of a new Notice of Allowance and Fee(s) Due (and mailing of a new Notice of Allowability) and for restarting of the period for reply to both Notices.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



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